

**TCEQ, Air Permits Division**  
**PBR Study Remediation Stakeholders Group**  
**August 7, 2003**  
**9:00 AM**  
**12100 Park 35 Circle**  
**Building C, Room 131E**  
**Minutes**

**I      Opening Remarks ..... Anne Inman**

Anne thanked participants for coming to the meeting, apologized for confusion on the mailout for the previous stakeholders meeting, and gave a brief overview of the PBR project, and introduced TCEQ staff. She described a tiered concept of authorization for air pollution sources that includes: de minimus for those sources not requiring an authorization; PBR for simple sources with low emissions, standard permits for more complex or controversial sources; and regular NSR permits for those sources that require case-by-case consideration.

**II     Background or Update Information ..... Anne Inman**

Anne described Phase I of the PBR project. It will occur in two parts. The first part includes: amendments to §106.50 fees; repeal of §106.5 Public Notice, §106. 201-203 Concrete Batch Plants, and §106.493 Direct Flame Incinerators; and amendments to §106.491 Dual Chamber Incinerator, §106.496 Trench Burners, §106.533 Remediation. The second part will involve amendments to §106.512, Stationary Engines and Turbines and §106.352, Oil and Gas Facilities, in conjunction with revisions to the Landfill and Oil and Gas GOPs.

**III    Discussion Topic   §106.533, Remediation .....**

Howard Uhal discussed the proposed amendments to this PBR. He discussed definitions, general and administrative requirements, the addition of IC engines as a control device, Distance requirements. He also told the stakeholders that we are continuing to research dry cleaning compounds and are looking for information concerning appropriate sampling methods. The following comments were made by the stakeholders.

- Comment: Why is the draft restricted to petroleum contamination at fuel dispensing sites and does not appear to cover tank farms, refineries, or pipelines? Response: Staff will consider and evaluate expanding the scope of the PBR to cover similar contamination at sites other than gas stations.
  
- Comment: Has the staff evaluated petroleum compounds other than gasoline or diesel. Response: Staff is currently looking at aviation fuels, crude oils, and natural gas condensates to determine if these materials can be covered under this PBR.

- Comment: Has TCEQ coordinated with the Texas Railroad Commission regarding jurisdiction and authority over spill and cleanup operations along pipelines? In many cases, spills are contained as soon as possible and many times “cleaned up” by bioremediation, landfarming, tilling, or “shredding” the contaminated soil and mixing with nearby uncontaminated soils. It is unclear whether these activities and equipment are facilities under the jurisdiction of air permits and TCEQ. There were also concerns raised about delays which may occur for these spill response/clean-up projects if the pipeline owner/operators had to comply with this PBR or obtain any air authorization. Response: Staff will look into this issue and contact the RRC for their insight, comments, and jurisdictional limits/overlap. The PBR will be updated based on the results of this coordination and ensure that necessary and appropriate clean up of these sites would not be delayed due to the need to meet air quality requirements. Staff also discussed the legislative definition of facility and clarified when some air authorization is normally required.
- Comment: Are remediation pilot test wells covered by this PBR? What if the control strategy changes during the lifetime of project? What if measured emissions exceed the pilot test estimates? Can the TCEQ minimize paperwork and provide maximum flexibility for these projects? Response: Staff will revise the language to ensure that all phases of a remediation project are covered by this PBR and that paperwork is minimized and coordinated throughout the agency.
- Comment: The proposed registration and notification requirements do not appear to be flexible and will be burdensome to industry. Response: Staff will evaluate the triggers for registration or notification (as well as Fees) and minimize those requirements where appropriate.
- Comment: Can the PBR allow the use of alternative control devices? Response: PBRs are not structured to allow for case-by-case review of alternative control methods. These authorization types must be for similar facilities and have no case-by-case review.
- Comment: Please clarify that gas station and dry cleaner remediation does not require a 100 ft. set back. Response: Staff will revise rule language so that this is clear.

#### **IV Closing Remarks/Action Items ..... Anne Inman**

Staff thanked the stakeholders for taking time and giving feedback to the agency. Anne Inman also encouraged any additional comments on these, or any other, PBR to be forwarded to the TCEQ at the earliest opportunity. Blake Stewart also reminded stakeholders to sign up for the APD email group for this rule proposal, or let him know if they are interested in any other PBR package.

## **MEETING ATTENDEES**

Attendee Name  
(Please Print Legibly)

AFTERNOON SIGN IN FOR STAKEHOLDERS

Jim Broussard  
Emmanuel Ukandu  
HOWARD UHAR  
Benny Husinecky JR  
BEIN J SMITH  
Gen Bernum  
JERRY KUNG  
Andy Gushard  
Kent Simmons  
Ned Young  
GEOFF POSPISIL  
DARREN HUBBARD  
John Coll  
Brenda Baxter

Attendee Name  
(Please Print Legibly)

Lisa McCutty  
JAMES CALLAN  
Bill Smalling  
Candy Melancon  
ROHIT SHARMA  
Lynn Kirchoff  
GARY FORD  
Chad Scrymgeour  
Christi Townsend  
David Ferrell  
Keith Sheedy  
John Gott  
MIKE COLDIRON  
Chris Dick